

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN GIBBONS
and JOHN CONTE,

Plaintiffs,

V.

CHAMPION WINDOW COMPANY
OF BOSTON SOUTH, LLC,

Defendant.

Civil Action No. 04CV10453RWZ

STIPULATION OF DISMISSAL

IT IS HEREBY agreed and stipulated by the parties that, pursuant to Fed.R.Civ.P. 41(a)(1)(ii), this action is dismissed with prejudice, without costs and with all rights of appeal waived.

KEVIN GIBBONS and JOHN CONTE

CHAMPION WINDOW COMPANY
OF BOSTON SOUTH, LLC

By their attorney,

By its attorney,

/s/ Kevin B. Callanan
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February 16, 2005